REGISTERED No. M. 4631

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. III.] **Trivandrum, Monday, 30th June 1958** **[No. 84.**

ELECTION COMMISSION

INDIA

New Delhi,
19th June, 1958/
29th Jyaistha, 1880 (Saka)

NOTIFICATION.

No. 434/5/58.—In exercise of the powers conferred by Section 21 of the Representation of the People Act, 1951 (43 of 1951) and in supersession of its notifications No. 434/5/56, dated the 8th January, 1957, No. 434/5/57, dated the 20th November, 1957 and No. 434/5/58 dated the 25th February, 1958, the Election Commission, in consultation with the Government of Kerala hereby designates each officer specified in column 2 of the table below to be the Returning Officer for the Parliamentary constituency in the State of Kerala specified in the corresponding entry in column 1 of that table:—

TABLE

Name of the Constituency.	Returning Officer.
1	2
149. Trivandrum	District Collector, Trivandrum.
150. Chirayinkil	District Collector, Trivandrum.
151. Quilon	District Collector, Quilon.
152. Ambalapuzha	District Collector, Alleppey.
153. Thiruvalla	District Collector, Alleppey.
154. Kottayam	District Collector, Kottayam.
155. Muvattupuzha	District Collector, Kottayam.
156. Ernakulam	District Collector, Ernakulam.
157. Mukundapuram	District Collector, Trichur.
158. Trichur	District Collector, Trichur.
159. Palghat	District Collector, Palghat.
160. Kozhikode	District Collector, Kozhikode.
161. Manjeri	District Collector, Kozhikode.
162. Badagara	District Collector, Kozhikode.
163. Tellicherry	District Collector, Cannanore.
164. Kasergod	District Collector, Cannanore.

By order,
S. C. ROY,
Secretary to the Election Commission.

ELECTION COMMISSION,

INDIA

New Delhi,
19*th June*, 1958/
29*th Jyaistha*, 1880 (*Saka*)

NOTIFICATION.

No. 434/5/58(1).—In exercise of the powers conferred by sub-section (1) of Section 22 of the Representation of the People Act, 1951 (43 of 1951), and in supersession of its notifications No. 434/5/56(1), dated the 8th January, 1957 and No. 434/5/57(1) dated the 20th November, 1957, the Election Commission, hereby appoints each officer specified in column 2 of the table below to assist the Returning Officer of the Parliamentary constituency in the State of Kerala, specified in the corresponding entry in column 1 of that table, in the performance of his functions.

TABLE

Name of the Constituency.	*Assistant Returning Officer.*
1	2
149. Trivandrum	Personal Assistant to the District Collector, Trivandrum.
150. Chirayinkil	Personal Assistant to the District Collector, Trivandrum.
151. Quilon	Personal Assistant to the District Collector, Quilon.
152. Ambalapuzha	Personal Assistant to the District Collector, Alleppey.
153. Thiruvalla	Personal Assistant to the District Collector, Alleppey.
154. Kottayam	Personal Assistant to the District Collector, Kottayam.
155. Muvattupuzha	Personal Assistant to the District Collector, Kottayam.
156. Ernakulam	Personal Assistant to the District Collector, Ernakulam.
157. Mukundapuram	Personal Assistant to the District Collector, Trichur.
158. Trichur	Personal Assistant to the District Collector, Trichur.
159. Palghat	Personal Assistant to the District Collector, Palghat.
160. Kozhikode	Personal Assistant to the District Collector, Kozhikode.
161. Manjeri	Personal Assistant to the District Collector, Kozhikode.
162. Badagara	Personal Assistant to the District Collector, Kozhikode.
163. Tellicherry	Personal Assistant to the District Collector, Cannanore.
164. Kasergod	Personal Assistant to the District Collector, Cannanore.

By order,

S. C. Roy,

Secretary to the Election Commission.

ELECTION COMMISSION,

INDIA.

New Delhi,
19th June, 1958/
29th Jyaistha, 1880 (*Saka*).

NOTIFICATION.

No. 434/5/58(2).—In exercise of the powers conferred by Section 21 of the Representation of the People Act, 1951 (43 of 1951), and in supersession of its notifications No. 434/5/56(2), dated the 8th January, 1957, No. 434/5/57(2) dated the 20th November, 1957 and No. 434/5/58(2) dated the 2nd April, 1958, the Election Commission, in consultation with the Government of Kerala, hereby designates each officer specified in column 2 of the table below to be the Returning Officer for the Assembly constituency in the State of Kerala, specified in the corresponding entry in column 1 of that table:—

TABLE

Name of the Constituency. 1	*Returning Officer.* 2
1. Parassala	Revenue Divisional Officer, Trivandrum.
2. Neyyattinkara	Revenue Divisional Officer, Trivandrum.
3. Vilappil	Revenue Divisional Officer, Trivandrum.
4. Nemom	Revenue Divisional Officer, Trivandrum.
5. Trivandrum-I	Deputy Director of Local Bodies, Trivandrum.
6. Trivandrum-II	Deputy Director of Local Bodies, Trivandrum.
7. Ullur	Deputy Director of Local Bodies, Trivandrum.
8. Arianad	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Trivandrum.
9. Nedumangad	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Trivandrum
10. Attingal	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Trivandrum.
11. Varkala	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Trivandrum.
12. Eravipuram	Revenue Divisional Officer, Quilon.
13. Quilon	Revenue Divisional Officer, Quilon.
14. Thrikkadavur	Revenue Divisional Officer, Quilon.
15. Karunagapally	Deputy Director of Local Bodies, Quilon.
16. Krishnapuram	Deputy Director of Local Bodies, Quilon.
17. Kayamkulam	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Alleppey.
18. Karthigapally	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Alleppey.
19. Haripad	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Alleppey.
20. Mavelikara	Revenue Divisional Officer, Chengannur
21. Kunnathur	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Quilon.

Name of the Constituency.	Returning Officer.
1	2
22. Kottarakara	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Quilon.
23. Chadayamangalam	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Quilon.
24. Pathanapuram	Revenue Divisional Officer, Adoor.
25. Punalur	Revenue Divisional Officer, Adoor.
26. Ranni	Revenue Divisional Officer, Adoor.
27. Pathanamthitta	Revenue Divisional Officer, Adoor.
28. Aranmula	Revenue Divisional Officer, Chengannur.
29. Kallooppara	Revenue Divisional Officer, Chengannur.
30. Thiruvalla	Revenue Divisional Officer, Chengannur.
31. Chengannur	Revenue Divisional Officer, Chengannur.
32. Alleppey	Revenue Divisional Officer, Alleppey.
33. Mararikulam	Revenue Divisional Officer, Alleppey.
34. Sherthala	Revenue Divisional Officer, Alleppey.
35. Arur	Revenue Divisional Officer, Alleppey.
36. Thakazhi	Revenue Divisional Officer, Alleppey.
37. Changanacherry	Revenue Divisional Officer, Kottayam.
38. Vazhoor	Revenue Divisional Officer, Kottayam.
39. Kanjirapally	Revenue Divisional Officer, Devicolam.
40. Puthupally	Revenue Divisional Officer, Kottayam.
41. Kottayam	Revenue Divisional Officer, Kottayam.
42. Ettumanoor	Revenue Divisional Officer, Kottayam.
43. Meenachil	Deputy Director of Local Bodies, Kottayam.
44. Vaikom	Inspecting Assistant Commissioner of Agricultural Income-tax ans Sales-tax, Kottayam.
45. Kaduthuruthy	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Kottayam.
46. Ramamangalam	Revenue Divisional Officer, Muvattupuzha.
47. Muvattupuzha	Revenue Divisional Officer, Muvattupuzha.
48. Devicolam	Revenue Divisional Officer, Devicolam.
49. Thodupuzha	Revenue Divisional Officer, Muvattupuzha.
50. Karikode	Revenue Divisional Officer, Muvattupuzha.
51. Poonjar	Deputy Director of Local Bodies, Kottayam.
52. Puliyannur	Deputy Director of Local Bodies, Kottayam.
53. Palluruthy	Revenue Divisional Officer, Ernakulam.
54. Mattancherry	Revenue Divisional Officer, Ernakulam.
55. Narakkal	Revenue Divisional Officer, Ernakulam.
56. Ernakulam	Revenue Divisional Officer, Ernakulam.
57. Kanayannur	Revenue Divisional Officer, Ernakulam.
58. Alwaye	Revenue Divisional Officer, Ernakulam.
59. Perumbavoor	Revenue Divisional Officer, Muvattupuzha.
60. Kothakulangara	Revenue Divisional Officer, Muvattupuzha.
61. Parur	Assistant Excise Commissioner, Ernakulam.
62. Vadakkekara	Assistant Excise Commissioner, Ernakulam.
63. Cranganore	Deputy Director of Local Bodies, Trichur.
64. Chalakudy	Deputy Director of Local Bodies, Trichur.
65. Irinjalakuda	Deputy Director of Local Bodies, Trichur.
66. Manalur	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Trichur.

Name of the Constituency.	Returning Officer.
1	2
67. Trichur	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Trichur.
68. Ollur	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Trichur.
69 Kunnamkulam	Revenue Divisional Officer, Tricuhr.
70. Wadakkancherry	Revenue Divisional Officer, Trichur.
71. Nattika	Revenue Divisional Officer, Trichur.
72. Guruvayur	Revenue Divisional Officer, Trichur.
73. Andathodu	Revenue Divisional Officer, Ottapalam.
74. Ponnani	Revenue Divisional Officer, Ottapalam.
75. Kuzhalmannam	Revenue Divisional Officer, Palghat.
76. Alathur	Revenue Divisional Officer, Palghat.
77. Chittur	Revenue Divisional Officer, Palghat.
78. Elapully	Revenue Divisional Officer, Palghat.
79. Palghat	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Palghat.
80. Parli	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Palghat.
81. Mannarghat	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Palghat.
82. Perintalmanna	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Palghat.
83. Ottapalam	Revenue Divisional Officer, Ottapalam.
84. Pattambi	Revenue Divisional Officer, Ottapalam.
85. Mankada	Revenue Divisional Officer, Ottapalam.
86. Tirur	Revenue Divisional Officer, Malapuram.
87. Tanur	Revenue Divisional Officer, Malapuram.
88. Kuttipuram	Revenue Divisional Officer, Malapuram.
89. Thirurangady	Revenue Divisional Officer, Malapuram.
90. Malapuram	Revenue Divisional Officer, Malapuram.
91. Manjeri	Appellate Assistant Commissioner of Agricultural Income-tax and Sales-tax, Kozhikode.
92. Kondotty	Appellate Assistant Commissioner of Agricultural Income-tax and Sales-tax, Kozhikode.
93. Kozhikode-I	Appellate Assistant Commissioner of Agricultural Income-tax and Sales-tax, Kozhikode.
94. Kozhikode-II	Appellate Assistant Commissioner of Agricultural Income-tax and Sales-tax, Kozhikode.
95. Cherayur	Revenue Divisional Officer, Kozhikode.
96. Kunnamangalam	Revenue Divisional Officer, Kozhikode.
97. Koduvally	Revenue Divisional Officer, Kozhikode.
98. Balussery	Revenue Divisional Officer, Kozhikode.
99. Quilandy	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Kozhikode.
100. Perambra	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Kozhikode.
101. Badagara	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Kozhikode.
102. Nadapuram	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Kozhikode.

Name of the Constituency.	*Returning Officer.*
1	2
103. Wynad	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Cannanore.
104. Kuthuparamba	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Cannanore.
105. Mattanur	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Cannanore.
106. Tellicherry	Inspecting Assistant Commissioner of Agricultural Income-tax and Sales-tax, Cannanore.
107. Cannanore-I	Revenue Divisional Officer, Tellicherry.
108. Cannanore-II	Revenue Divisioanl Officer, Tellicherry.
109. Madai	Revenue Divisional Officer, Tellicherry.
110. Irikkur	Revenue Divisional Officer, Tellicherry.
111. Nileswar	Revenue Divisional Officer, Kasergod.
112. Hosdrug	Revenue Divisional Officer, Kasergod.
113. Kasergod	Revenue Divisional Officer, Kasergod.
114. Manjeswar	Revenue Divisional Officer, Kasergod.

By order,

S. C. Roy,

Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

New Delhi,
19th June, 1958./
29th Jyaistha, 1880 (Saka).

NOTIFICATION.

No. 434/5/58(3).—In exercise of the powers conferred by sub section (1) of Section 22 of the Representation of the People Act, 1951 (43 of 1951), and in supersession of its notifications No. 434/5/56(3), dated the 8th January, 1957, No. 434/5/57(3), dated the 20th November, 1957, No. 434/5/58(3), dated the 25th February, 1958 and No. 434/5/58(3) dated the 3rd April, 1958, the Election Commission, hereby apppoints each officer specified in column 2 of the table below to assist the Returning Officer of the Assembly constituency in the State of Kerala, specified in the corresponding entry in column 1 of that table, in the performance of his functions.

TABLE

Name of the Constituency.	*Assistant Returning Officer.*
1	2
1. Parassala	Sales-tax Officer, Trivandrum IV Circle.
2. Neyyattinkara	Sales-tax Officer, Trivandrum IV Circle.
3. Vilappil	Sales-tax Officer, Trivandrum IV Circle.
4. Nemom	Sales-tax Officer, Trivandrum IV Circle.
5. Trivandrum I	Sales-tax Officer, Trivandrum III Circle.
6. Trivandrum II	Sales-tax Officer, Trivandrum III Circle.
7. Ullur	Sales-tax Officer, Trivandrum III Circle.
8. Arianad	Sales-tax Officer, Nedumangad.
9. Nedumangad	Sales-tax Officer, Nedumangad.
10. Attingal	Sales-tax Officer, Nedumangad.
11. Varkala	Sales-tax Officer, Nedumangad.
12. Eravipuram	Sales-tax Officer, Quilon III Circle.
13. Quilon	Sales-tax Officer, Quilon III Circle.
14. Thrikkadavur	Sales-tax Officer, Quilon III Circle.
15. Karunagappally	Sales-tax Officer, II Circle Quilon.
16. Krishnapuram	Sales-tax Officer, II Circle Quilon.
17. Kayamkulam	Sales-tax Officer, Mavelikara.
18. Karthigapally	Sales-tax Officer, Mavelikara.
19. Haripad	Sales-tax Officer, Mavelikara.
20. Mavelikara	Sales-tax Officer, Thiruvella.
21. Kunnathur	Sales-tax Officer, Kunnathur, Adoor.
22. Kottarakara	Sales-tax Officer, Kunnathur, Adoor.
23. Chadayamangalam	Sales-tax Officer, Kunnathur, Adoor.
24. Pathanapuram	Sales-tax Officer, Pathanapuram, Punalur.
25. Punalur	Sales-tax Officer, Pathanapuram, Punalur.
26. Ranni	Sales-tax Officer, Pathanapuram, Punalur.
27. Pathanamthitta	Sales-tax Officer, Pathanapuram, Punalur.
28. Aranmula	Sales-tax Officer, Thiruvella.
29. Kallooppara	Sales-tax Officer, Thiruvella.
30. Thiruvella	Sales-tax Officer, Thiruvella

Name of the Constituency.	Assistant Returning Officer.
1	2
31. Chengannur	Sales-tax Officer, Thiruvalla.
32. Alleppey	Sales-tax Officer, Shertala.
33. Mararikulam	Sales-tax Officer, Shertala.
34. Shertala	Sales-tax Officer, Shertala.
35. Arur	Sales-tax Officer, Shertala.
36. Thakazhi	Sales-tax Officer, Shertala.
37. Changanacherry	Sales-tax Officer, Changanacherry.
38. Vazhoor	Sales-tax Officer, Changanacherry.
39. Kanjirappally	Agricultural Income-tax and Sales-tax Officer, Peermade.
40. Puthupally	Sales-tax Officer, Changanacherry.
41. Kottayam	Sales-tax Officer, Changanacherry.
42. Ettumanoor	Sales-tax Officer, Changanacherry.
43. Meenachil	Sales-tax Officer, Palai.
44. Vaikom	Sales-tax Officer, Vaikom.
45. Kaduthuruthy	Sales-tax Officer, Vaikom.
46. Ramamangalam	Sales-tax Officer, Thodupuzha.
47. Muvattupuzha	Sales-tax Officer, Thodupuzha.
48. Devicolam	Agricultural Income-tax and Sales-tax Officer, Peermade.
49. Thodupuzha	Sales-tax Officer, Thodupuzha.
50. Karikode	Sales-tax Officer, Thodupuzha.
51. Poonjar	Sales-tax Officer, Palai.
52. Puliyannur	Sales-tax Officer, Palai.
53. Palluruthy	Sales-tax Officer, II Circle, Mattancherry.
54. Mattancherry	Sales-tax Officer, II Circle, Mattancherry.
55. Narakkal	Sales-tax Officer, II Circle, Mattancherry.
56. Ernakulam	Sales-tax Officer, II Circle, Mattancherry.
57. Kanayannur	Sales-tax Officer, II Circle, Mattancherry.
58. Alwaye	Sales-tax Officer, II Circle Mattancherry.
59. Perumbavoor	Sales-tax Officer, Thodupuzha.
60. Kothakulangara	Sales-tax Officer, Thodupuzha.
61. Parur	Sales-tax Officer, Parur.
62. Vadakkekara	Sales-tax Officer, Parur.
63. Cranganore	Sales-tax Officer, Irinjalakuda.
64. Chalakudy	Sales-tax Officer, Irinjalakuda.
65. Irinjalakuda	Sales-tax Officer, Irinjalakuda.
66. Manalur	Sales-tax Officer, II Circle, Trichur.
67. Trichur	Sales-tax Officer, II Circle, Trichur.
68. Ollur	Sales-tax Officer, II Circle, Trichur.
69. Kunnamkulam	Sales-tax Officer, Wadakkancherry.
70. Wadakkancherry	Sales-tax Officer, Wadakkancherry.
71. Nattika	Sales-tax Officer, Wadakkancherry.
72. Guruvayur	Sales-tax Officer, Wadakkancherry.
73. Andathodu	Assistant Sales-tax Officer cum Sales-tax Officer, Ponnani.
74. Ponnani	Assistant Sales-tax Officer cum Sales-tax Officer, Ponnani.
75. Kuzhalmannam	Sales-tax Officer, Alathur.
76. Alathur	Sales-tax Officer, Alathur.

	Name of the Constituency.	Assistant Returning Officer.
	1	2
77.	Chittur	Sales-tax Officer, Alathur.
78.	Elapully	Sales-tax Officer, Alathur.
79.	Palghat	Sales-tax Officer, Perintalmanna.
80.	Parli	Sales-tax Officer, Perintalmanna.
81.	Mannarghat	Sales-tax Officer, Perintalmanna.
82.	Perintalmanna	Sales-tax Officer, Perintalmanna.
83.	Ottapalam	Assistant Sales-tax Officer cum Sales-tax Officer, Ponnani.
84.	Pattambi.	Assistant Sales-tax Officer cum Sales-tax Officer, Ponnani.
85.	Mankada	Assistant Sales-tax Officer cum Sales-tax Officer, Ponnani.
86.	Tirur	Sales-tax Officer, Tirur.
87.	Tanur	Sales-tax Officer, Tirur.
88.	Kuttipuram	Sales-tax Officer, Tirur.
89.	Tirurangady	Sales-tax Officer, Tirur.
90.	Malappuram	Sales-tax Officer, Tirur.
91.	Manjeri	Sales-tax Officer, Manjeri.
92.	Kondotty	Sales-tax Officer, Manjeri.
93.	Kozhikode-I	Sales-tax Officer, Manjeri.
94.	Kozhikode-II	Sales-tax Officer, Manjeri.
95.	Chevayur	Assistant Sales-tax Officer, Kozhikode-II, IV Circle.
96.	Kunnamangalam	Assistant Sales-tax Officer, Kozhikode-II, IV Circle.
97.	Koduvally	Assistant Sales-tax Officer, Kozhikode-II, IV Circle.
98.	Balussery	Assistant Sales-tax Officer, Kozhikode-II, IV Circle.
99.	Quilandy	Sales-tax Officer, Badagara.
100.	Perambra	Sales-tax Officer, Badagara.
101.	Badagara	Sales-tax Officer, Badagara.
102.	Nadapuram	Sales-tax Officer, Badagara.
103.	Wynad	Sales-tax Officer, Tellicherry I Circle.
104.	Kuthuparamba	Sales-tax Officer, Tellicherry I Circle.
105.	Mattanur	Sales-tax Officer, Tellicherry I Circle.
106.	Tellicherry	Sales-tax Officer, Tellicherry I Circle.
107.	Cannanore-I	Sales-tax Officer, Cannanore II Circle.
108.	Cannanore-II	Sales-tax Officer, Cannanore II Circle.
109.	Madai	Sales-tax Officer, Cannanore II Circle.
110.	Irikkur	Sales-tax Officer, Cannanore II Circle.
111.	Nileswar	Sales-tax Officer, Kasergod.
112.	Hosdrug	Sales-tax Officer, Kasergod.
113.	Kasergod	Sales-tax Officer, Kasergod.
114.	Manjeswar	Sales-tax Officer, Kasergod.

By order,
S. C. Roy,
Secretary to the Election Commission.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS
TRIVANDRUM, 1958.

REGISTERED No. M 4631.

GOVERNMENT OF KERALA

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. III] Trivandrum, Monday, 30th June 1958 [No. 83

The Report of the Select Committee on the Kerala Buildings (Lease and Rent Control) Bill, 1958 and the Bill as reported by the Committee.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1958.

THE KERALA BUILDINGS (LEASE AND RENT CONTROL) BILL, 1958.

(Report of the Select Committee.)

The Select Committee to which the Kerala Buildings (Lease and Rent Control) Bill, 1958 was referred have considered the Bill clause by clause and now submit this, their Report with the Bill as reported by the Committee annexed thereto.

2. The Bill was published in the Gazette Extraordinary dated 12th February 1958.

3. The Bill was introduced in the Legislative Assembly on 3rd March 1958 and the motion for reference to a Select Committee was adopted on the same day.

4. The Comittee held three sittings in all.

5. *Clause 2*: The definition of the term "Advisory Board" in sub-clause (3) was deleted, since it was decided to omit the provisions relating to the Advisory Board. To provide for new corporations that may come into being the words "or the corporation of Trivandrum" were substituted by "or corporation" in sub-clause (7) and in other places.

6. *Clause 3*: The clause was recast making provision to appoint persons not below the rank of a Munsiff as presiding officers of Rent Control Courts and an officer not below the rank of a Revenue Divisional Officer as Accommodation Controller.

7. *Clause 4*: was deleted since it was decided that the constitution of the Advisory Board will tend to create difficulties and the succeeding clauses were renumbered.

8. *Clause 4 (old clause 5)*: Provision was added in sub-clause (1) (a) making it obligatory on the landlords constructing or reconstructing buildings to be let out and vacating tenants to give notice of availability or vacancy to the Accommodation Controller. As there may be public institutions not under the control of Government the words "under the control of any such Government" were deleted from sub-clause (5). In sub-clause (5) instead of the Subordinate Judge's Court the Rent Control Court was substituted for fixing the terms of the tenancy. The second proviso was enlarged so as to insist on the permission of the Accommodation Controller even for the conversion of non-residential buildings. It was decided to delete sub-clause (6) since the Committee felt that there is no justification in making the tenants liable to pay 15 days' rent for which period the landlord was obliged to keep the building vacant under the Act. Sub-clause 8 (b) (original 9 (b)) was recast to make the meaning clear.

9. *Clause 5 (old clause 6)*: Sub-clause (2) was modified providing for property tax prevalent at the time of the letting being taken into consideration instead of the property tax fixed during the five years immediately preceding the letting. The Committee decided to delete the words "3½ per cent interest on capital cost of the building" in sub-cluase 3 and to provide for the fair rent being fixed on the basis of the prevailing rates of rent in the locality for similar buildings during the twelve months before letting as in the Travancore-Cochin Rent Control Order. A new sub-clause (4) was added to authorise the Accommodation Controller to provisionally fix the fair rent for the buildings allotted by him.

10. *Clause 11 (old clause 12)*: In sub-clause (3) the vacating of a building for the bonafide use of the landlord or his family member was limited by the Committee to a single instance. Sub-clause (4) (i) was amended to the effect that if the landlord has consented to the sub-letting he is disentitled to get back possession. Provision allowing eviction when a building is to be reconstructed was added in sub-clause (4). In sub-clause (6) instead of 3½ per cent interest on expenditure on renovation the committee had enhanced rent to be on a par with the rent for a similar building with the same amenities in the locality.

11. *Clause 12 (old clause 13)*: The Committee decided that before contesting a case it is enough if a tenant deposits the arrears of rent admitted by him to be due up to the date of deposit. Consequently sub-clause (3) was deleted.

12. *Clause 13 (old clause 14)*: The explanation to sub-clause (3) was amplified to clarify that if the final order passed by a Court modifies or cancels an interim order the same may be given effect to.

13. *Clause 14 (old clause 15)*.—As there is no place in the whole State without a Munsiff sub-clauses (b) and (c) were deleted. In the proviso the ordinary appellate authority of the concerned Munsiff was empowered to hear appeals against Rent Control orders also.

14. *Clause 18 (old clause 19)*.—It was specified in sub-clause (1) that the appellate authority should not be below the rank of a subordinate Judge. A new sub-clause (4) was added to give the appellate authority all the powers exercised by the Rent Control Court including the fixing of arrears of rent. The provisions of the Indian Limitation Act were made applicable in regard to appeals by adding a new sub-clause (2). The remaining sub-clauses were renumbered suitably.

15. *Clause 20 (old clause 21)*.—The clause was recast to provide for revisional powers being exercised by the next higher authority instead of by the High Court itself in all cases, as was originally provided.

16. *Clause 21 (old clause 22)*.—The clause was modified to make the sub-tenant also a party in case he had given the prescribed notice to the landlord if sub-letting was allowed in the original agreement.

17. *Clause 22 (old clause 23)*.—The clause was recast applying the provisions contained in the Code of Civil Procedure relating to proceedings against legal representatives and assignees.

18. *Clause 23 (old clause 24)*.—This clause has been recast bestowing on the Rent Control Court and on the Accommodation Controller the powers of a Civil Court under the Code of Civil Procedure in respect of specified matters.

19. *Clause 24 (New clause)*.—With a view to expedite the disposal of Rent Control cases, the Committee has introduced a new clause providing for disposal as far as possible within three months from the date of appearance of parties.

20. The Ernakulam District was formed after the introduction of the Bill and necessary changes have been made in the Schedule. The Rameswaram village was added along with Palluruthy in the Mattancherry Municipality. Since Warkala Panchayat has since the introduction of the Bill in the Assembly been brought under the existing Rent Control Order it was also added to the Schedule.

Other changes were either verbal or consequential only.

V. R. KRISHNA IYER,
Chairman of Select Committee.

THE KERALA BUILDINGS (LEASE AND RENT CONTROL) BILL, 1958.

(As reported by the Select Committee)

A

BILL

to regulate the leasing of buildings and to control the rent of such buildings in the State of Kerala.

WHEREAS it is expedient to regulate the letting of buildings and to control the rents of such buildings and to prevent unreasonable eviction of tenants therefrom in the State of Kerala;

BE it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title, application, commencement and duration.*—(1) This Act may be called the Kerala Buildings (Lease and Rent Control) Act, 1958.

(2) It applies to the areas mentioned in the Schedule.

(3) The Government may, by notification in the Gazette, apply all or any of the provisions of this Act to any other area in the State with effect from such date as may be specified in the notification, and may, by like notification, cancel or modify such notification or modify the Schedule:

Provided that no such notification shall be issued unless it is supported by a resolution passed by the local authority or authorities, if any, of the areas affected by the notification.

(4) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires,

(1) "building" means any building or hut or part of a building or hut, let or to be let separately for residential or non-residential purposes and includes—

(a) the garden, grounds and out-houses, if any, appurtenant to such building, hut or part of such building or hut and let or to be let along with such building or hut,

(b) any furniture supplied by the landlord for use in such building or hut or part of a building or hut,

but does not include a room in a hotel or boarding house;

(2) "Accommodation Controller" means any person appointed to perform the functions of an Accommodation Controller under this Act;

(3) "landlord" includes the person who is receiving or is entitled to receive the rent of a building, whether on his own account or on behalf of another or on behalf of himself and others or as an agent, trustee, executor, administrator, receiver or guardian or who would so receive the rent or be entitled to receive the rent, if the building were let to a tenant ;

Explanation :—A tenant who sub-lets shall be deemed to be a landlord within the meaning of this Act in relation to the sub-tenant.

(4) "Prescribed" means prescribed by rules made under this Act ;

(5) "Rent Control Court" means the Court constituted under Section 3;

(6) "tenant" means any person by whom or on whose account rent is payable for a building and includes the surviving spouse, or any son or daughter, of a deceased tenant who had been living with the tenant in the building as a member of the tenant's family up to the death of the tenant and a person continuing in possession after the termination of the tenancy in his favour, but does not include a person placed in occupation of a building by its tenant or a person to whom the collection of rents or fees in a public market, cartstand or slaughter-house or of rents for shops has been farmed out or leased by a municipal council or local board or Panchayat or Corporation.

3. *Constitution of Rent Control Courts and appointment of Accommodation Controllers.*—(1) The Government may, by notification in the Gazette, appoint any person not below the rank o[illegible] unsiff to be the Rent Control Court for such local areas as may be specified therein.

(2) The Government may, by notification in the Gazette, appoint any Officer not below the rank of a Revenue Divisional Officer to be the Accommodation Controller for any area to which this Act applies.

4. *Notice of vacancy.*—(1) (a) Every landlord shall, within fifteen days after the construction or reconstruction of a building intended to be let out or after a building becomes vacant by his ceasing to occupy it, or by the termination of a tenancy, or by release from requisition by the Government or any other competent authority give notice of the availability or vacancy in writing to the Accommodation Controller : Every tenant shall within fifteen days of his vacating a building occupied by him give notice of the same in writing to the Accommodation Controller:

Provided that this sub-section shall not apply to a building in respect of which the landlord has obtained an order for possession on any of the grounds specified in sub-section (3), clause iv of sub-section (4) and sub clauses (7) and (8) of Section 11.

(b) Every notice given under clause (a) shall contain such particulars as may be prescribed.

(2) In any municipality or Corporation or in any other area to which this Act applies if the tenant of a building puts another person in occupation thereof and does not re-occupy it within a period of three months, then, on the expiry of such period, the tenancy shall be deemed to have terminated and it shall be the duty of the tenant, and also of the landlord if he is aware of such termination, to give notice thereof in writing to the Accommodation Controller within fifteen days of such termination:

Provided that where the tenant obtains written permission from the Accommodation Controller to re-occupy the building within a period of six months, this sub-section shall have effect as if for the period of three months specified therein a period of six months were substituted.

Explanation:—This sub-section shall not apply where the building has been sub-let by a tenant entitled to do so, after giving due notice to the Accommodation Controller under sub-section (1) and in conformity with the provisions of this section.

(3) If, within fifteen days of the receipt by the Accommodation Controller of a notice under sub-section (1) or sub-section (2), the Government or the Accommodation Controller does not intimate to the landlord in writing that the building is required for the purposes of the State or Central Government or of any local authority or of any public institution or for the occupation of any officer of such Government, or local authority or for the occupation of such class of non officials as may be prescribed having regard to the importance of their service to society, the land-lord shall be at liberty to let the building to any tenant or to occupy it himself.

(4) The landlord shall not let the building to a tenant or occupy it himself, before the expiry of the period of fifteen days specified in sub-section (3) unless in the meantime he has received intimation that the building is not required for the purposes or for occupation by any of the persons specified in that sub-section.

(5) If the building is required for the purposes of the State or Central Government or a local authority or any public institution or for the occupation of any officer of such Government or local authority or for occupation by any of the persons specified in sub-section (3), the landlord shall deliver possession of the building to the Accommodation Controller and the Government shall be deemed to be the tenant of the landlord,

with retrospective effect from the date on which the Accommodation Controller received notice under sub-section (1) or sub-section (2), the terms of the tenancy being such as may be agreed upon between the landlord and the tenant and in default of an agreement, as may be determined under section 5

Provided that the rent payable shall be the fair rent, if any, fixed for the building under the provisions of this Act; and if no fair rent has been so fixed, such fair rent as may be determined by the Court aforesaid in accordance with the provisions of this Act:

Provided further that a building used as a residential building, shall not be used as a non-residential building or vice versa unless the permission in writing of the Accommodation Controller is obtained under sub-section (1) section 17 :

Provided also that no structural alterations shall be made in the building, unless the consent of the landlord is also obtained therefor.

(6) (a) where a landlord has two or more residential buildings in the same city, town or village and they have not been let by him the landlord may choose any one of such buildings for his own occupation and shall give notice to the Accommodation Controller specifying the building so chosen by him and every other building not so chosen.

(b) when giving notice as aforesaid, the landlord shall also specify therein—

(i) whether any building other than the one chosen by him under clause (a) has, been continuously in the occupation of any member of his family or of any dependent of the landlord; or

(ii) whether he requires any such building for the occupation of any member of his family.

(c) In the case referred to in sub-clause (i) of clause (b), the Accommodation Controller may, if he is satisfied that the occupation of the building by any member of the family, or of any dependent of the landlord is *bona fide*, make an order permitting the landlord to allow such member or dependent to continue to occupy the building; and if the Accommodation Controller is not so satisfied, he shall make an order refusing such permission.

(d) In the case referred to in sub-clause (ii) of clause (b), the Accommodation Controller may, if he is satisfied that the building is required by any member of the family of the landlord *bona fide* for such occupation, make an order permitting the landlord to allow such member to occupy the building; and if the Accommodation Controller is not so satisfied, he shall make an order refusing such permission.

(e) Any landlord who is aggrieved by any order passed by the Accommodation Controller under clause (c) or clause (d) may, within fifteen days from the date of the receipt of such order,

prefer an appeal in writing to the District Collector within whose jurisdiction the building in respect of which the order appealed against is situate and he shall pass such orders on the appeal as he may think fit.

(f) Every notice given by the landlord under clause (a) shall, in so far as it relates to any building other than the one chosen by him for his own occupation, be deemed to be a notice under sub-section (1):

Provided that in respect of any building referred to in clause (a), the provisions of sub-section (3) shall apply as if notice had been given by the landlord under sub-section (1) immediately after the lapse of a period of fifteen days from the date of receipt by the landlord of the order passed by the Accommodation Controller or, if an appeal has been preferred to the District Collector against that order within that period, as if notice had been given as aforesaid by the landlord on the date of the order passed on the appeal.

(7) (a) Any officer empowered by the Government in this behalf may summarily dispossess—

(i) any landlord, tenant or other person occupying any building in contravention of the provisions of this section or any landlord who fails to deliver to the Government possession of any building in respect of which they are deemed to be the tenant by virtue of this section, or

(ii) any officer, person, local authority or public institution continuing to occupy, or failing to deliver possession of, any building in respect of which the Government are deemed to be the tenant by virtue of this section, after the termination of his or its licence to occupy such building, and take possession of the building including any portion thereof which may have been sub-let:

Provided that in cases where any landlord has been refused permission for the occupation of a building under clause (c) or clause (d) of sub-section (6), not less than one week's notice shall be given before action is taken under this sub-section.

(b) If free access to the building is not afforded to the officer empowered under clause (a), he may, after giving reasonable warning and facility to withdraw to any woman not appearing in public according to the customs of the country, remove or open any lock or bolt or break open any door or do any other act necessary for effecting such dispossession.

(c) Any landlord, tenant or other person or any officer, local authority or public institution, liable to be summarily dispossessed under clause (a), shall pay to the Government—

(i) the fair rent payable for the building under the provisions of this Act for the period of his or its occupation or possession thereof as described in that clause; and

(ii) the expenses, if any, incurred by the Government in effecting such summary dispossession, as determined by them, which determination shall be final.

(8) Nothing contained in this section shall apply (a) to a building the monthly rent of which does not exceed fifteen rupees; or

(b) to any building or buildings owned by any company, association or firm, whether incorporated or not and *bona fide* intended solely for the occupation of its officers, servants or agents and situated in the same city, town or village.

5. *Determination of fair rent.*—(1) The Rent Control Court shall, on application of the tenant or landlord of a building, fix the fair rent for such building after holding such enquiry as it thinks fit.

(2) In fixing the fair rent the court shall take into consideration the property tax fixed for the building at the time of letting, in the property tax register of the Corporation if the building is in any City or in the property tax register of the Municipal Council, the Panchayat or other local authority as the case may be:

Provided that the fair rent fixed may in proper cases be lower than, but shall in no case exceed by more than 15 per cent, the monthly rent on the basis of which the property tax for the building has been fixed.

(3) *If there is no* property tax fixed for the building or if it is not based on a rental basis or if the building is situated in an area which is not a City, Municipality, Panchayat or other local authority, the fair rent shall be fixed after taking into consideration the prevailing rates of rent in the locality. for similar accommodation in similar circumstances during the twelve months preceding the letting.

(4) In case the allotment of the building is made by the Accommodation Controller, he may, provisionally fix the fair rent for the building and the Rent Control Court may, on application by an aggrieved party, modify the fair rent so fixed.

6. *Increase in fair rent in what cases admissible.*—(1) When the fair rent of a building has been fixed under this Act, no further increase in such fair rent shall be permissible except in cases where some addition, improvement or alteration has been carried out at the landlord's expense at the request of the tenant if the building is then in the occupation of a tenant:

Provided that the fair rent as increased under this sub-section shall not exceed the fair rent payable under this Act for a similar building in the same locality with such additional improvement or alteration and it shall not be chargeable until such addition, improvement or alteration has been completed:

Provided further that any dispute between the landlord and the tenant in regard to any increase claimed under this sub-section shall be decided by the Rent Control Court.

(2) Where, after the fair rent of a building has been fixed under this Act, there is a decrease or diminution in the accommodation or amenities provided, the tenant may claim a reduction in the fair rent as so fixed, and any dispute between the landlord and the tenant in regard to any reduction so claimed shall be decided by the Rent Control Court.

7. *Increase of rent in certain cases.*—(1) Where the amount of the taxes and cesses payable by the landlord in respect of any building to a local authority has increased after fixation of the fair rent such increase shall be recoverable by the landlord from the tenant.

(2) Any dispute between the landlord and the tenant in regard to any increase claimed under sub-section (1) shall be decided by the Rent Control Court.

8. *Landlord not to claim or receive anything in excess of fair rent or agreed rent.*—(1) Where the Rent Control Court has determined the fair rent of a building—

(a) the landlord shall not claim, receive or stipulate for the payment of (i) any premium or other like sum in addition to such fair rent, or (ii) save as provided in section 6 or section 7 anything in excess of such fair rent:

Provided that the landlord may receive, or stipulate for the payment of an amount not exceeding two months' rent, by way of advance;

(b) save as provided in clause (a) any premium or other like sum or any rent paid in addition to, or in excess of such fair rent, whether before or after the commencement of this Act, in consideration of the grant, continuance or renewal of the tenancy of the building after such commencement shall be refunded by the landlord to the person by whom it was paid or at the option of such person, shall be otherwise adjusted by the landlord:

Provided that where before the determination of the fair rent, rent has been paid in excess thereof, the refund or adjustment shall be limited to the amount paid in excess for a period of one year immediately before the Institution of any proceedings for such determination.

(2) Where the fair rent of a building has not been so determined—

(a) the landlord shall not, claim, receive or stipulate for the payment of, any premium or other like sum in addition to the agreed rent:

Provided that the landlord may receive, or stipulate for the payment of, an amount not exceeding two months' rent, by way of advance;

(b) Save as provided in clause (a), any sum paid in excess of the agreed rent, in consideration of the grant, continuance or renewal of the tenancy of the building after such commencement, shall be refunded by the landlord to the person by whom it was paid or, at the option of such person, shall be otherwise adjusted by the landlord.

(3) Any stipulation in contravention of sub-section (1) or sub-section (2) shall be null and void.

9. *Right of tenant paying rent or advance to receipt.*— (1) Every tenant who makes a payment on account of rent or advance shall be entitled to obtain a receipt in the prescribed form for the amount paid, duly signed by the landlord or his authorised agent.

(2) Where a landlord refuses to accept, or evades the receipt of, any rent lawfully payable to him by a tenant in respect of any building, the tenant may by notice in writing, require the landlord to specify within ten days from the date of receipt of the notice by him, a bank into which the rent may be deposited by the tenant to the credit of the landlord :

Provided that such bank shall be one situated in the city, town or village in which the building is situated or if there is no such bank in such city, town or village, within three miles of the limits thereof.

Explanation: — It shall be open to the landlord to specify from time to time by a written notice to the tenant and subject to the proviso aforesaid, a bank different from the one already specified by him under this sub-section.

(3) If the landlord specifies a bank as aforesaid, the tenant shall deposit the rent in the bank and shall continue to deposit in it any rent which may subsequently become due in respect of the building.

(4) If the landlord does not specify a bank as aforesaid, the tenant shall remit the rent to the landlord by money order, after deducting the money order commission and continue to remit any rent which may subsequently become due in respect of the building in the same manner until the landlord signifies by a written notice to the tenant his willingness to accept the rent or specifies a bank in which the rent shall be deposited in accordance with the provisions of sub-section (2).

10. *Right of tenant to deposit rent in certain cases.*—(1) Where the address of the landlord or his authorised agent is not known to the tenant, he may deposit the rent lawfully payable to the landlord in respect of the building together with such fee as may be prescribed for the service of the notice referred to in sub-section (2), before such authority and in such manner as may be prescribed, and continue to deposit any rent which may subsequently become due in respect of the building, together with the fee prescribed, as aforesaid, before the same authority and in the same manner until the address of the landlord or his authorised agent becomes known to the tenant.

(2) When any deposit is made under sub-section (1) the Rent Control Court shall cause notice of the deposit to be served by affixure at the last known place of residence of the landlord

and in such other manner as may be prescribed; and the amount deposited may, subject to such conditions as may be prescribed, be withdrawn by the land-lord on application made by him to the Rent Control Court in that behalf.

(3) Where any *bona fide* doubt or dispute arises as to the person who is entitled to receive the rent for any building the tenant may deposit such rent before such authority and in such manner as may be prescribed and shall report to the Rent Control Court the circumstances under which such deposit was made by him, and may continue to deposit any rent whicb may subsequently become due in respect of the building before the same authority and in the same manner until the doubt is removed or the dispute is settled by the decision of a competent Court or by a settlement between the parties or until tbe Rent Control Court makes an order under sub-section (4), clause (b), as the case may be.

(4) (a) The Rent Control Court to whom a report is made under sub-section (3) shall, if satisfied that a *bona fide* doubt or dispute exists in the matter, direct that, pending removal of the doubt or settlement of the dispute as aforesaid, the deposit be held by the authority concerned.

(b) If the Rent Control Court is not so satisfied, it shall forthwith order payment of the amount deposited to the land-lord.

(5) Where the Rent Control Court passes an order under sub-section (4), clause (a), any amount or amounts deposited under sub-section (3) may be withdrawn only by the person who is declared by a competent court to be entitled thereto, or in case the doubt or dispute is removed by a settlement between the parties, only hy the person who is held by the Rent Control Court to be entitled to the amount or amounts in accordance with such settlement.

11. *Eviction of tenants.*—(1) A tenant shall not be evicted whether in execution of a decree or otherwise except in accordance with the provisions of this section:

Provided that nothing contained in this section shall apply to a tenant whose land-lord is the State Government or the Central Government or other public authority notified under this Act:

Provided further that where the tenant denies the title of the land-lord or claims right of permanent tenancy, the Rent Control Court shall decide whether the denial or claim is *bona fide* and if it records a finding to that effect, the land-lord shall be entitled to sue for eviction of the tenant in a Civil Court and such Court may pass a decree for eviction on any of the grounds mentioned in this section, notwithstanding that the Court finds that such denial does not involve forfeiture of the lease or that the claim is unfounded.

(2) A land-lord who seeks to evict his tenant shall apply to the Rent Control Court for a direction in that behalf.—

(a) If the Rent Control Court, after giving the tenant a reasonable opportunity of showing cause against the application, is satisfied that the tenant has not paid or tendered the rent due by him in respect of the building within 15 days after the expiry of the time fixed in the agreement of tenancy with his land-lord or in the absence of any such agreement by the last day of the month next following that for which the rent is payable: it shall make an order directing the tenant to put the land-lord in possession of the building and if it is not satisfied it shall make an order rejecting the application thereof by him:

Provided that the land-lord has sent a registered notice to the tenant intimating the default and the tenant has failed to pay or tender the rent together with 6¼% thereof by way of penalty and postal charges incurred in sending the notice, with-in 15 days of the notice to the tenant or of the refusal thereof by him:

(b) The order directing the tenant to put the land-lord in possession of the building shall not be executed before the lapse of one month from the date of the order of the Rent Control Court and if the tenant deposits arrears of rent with interest and cost of proceedings within a month of such order or such other period as may be allowed by the Rent Control Court, it shall vacate that order.

(3) A land-lord may apply to the Rent Control Court for an order directing the tenant to put the land-lord in possession of the building if he *bona fide* needs the building for his own occupation or the occupation by any member of his family:

Provided that the Rent Control Court shall not give any such direction if the land-lord has another building in his possession in the same City, Town or Village except where the Rent Control Court is satisfied that for special reasons, in any particular case it will be just and proper to do so, but it may give such direction only once.

(4) A land-lord may apply to the Rent Control Court for an order directing the tenant to put the land-lord in possession of the building,

(i) if the tenant has without the consent of the land-lord transferred his right under the lease or sublet the entire building or any portion thereof if the lease does not confer on him any right to do so, or the land lord has not consented to such subletting, or

(ii) if the tenant uses the building in such a manner as to destroy or reduce its value or utility materially and permanently, or

(iii) if the tenant subsequently acquires or puts up a building of his own in the same city, town or village, or

(iv) if the land-lord requires *bona fide* to reconstruct the building and if he satisfies the Court that he has the plan and license, if any required, and the ability to rebuild and if the proposal is not made as a pretext for eviction.

(5) A land-lord who wants to renovate the building may apply to the Rent Control Court for an order directing the tenant to permit the land-lord to enter and carry out the renovation within a time to be fixed by the Court and the Court may issue such orders as it deems fit and the tenant shall be bound to abide by the orders of the Court.

(6) A tenant whose building has been renovated under sub-section (5) shall be liable to pay enhanced rent so as to assure the land-lord a rent equal to the rent for a similar building with similar amenities in the locality.

(7) Where the land-lord of a building, is a religious, charitable, educational or other public institution, it may, if the building is needed for the purposes of the institution, apply to the Rent Control Court, for an order directing the tenant to put the institution in possession of the building.

(8) A land-lord who is occupying only a part of a building, may, apply to the Rent Control Court for an order directing any tenant occupying the whole or any portion of the remaining part of the building to put the land-lord in possession thereof, if he requires additional accommodation for his personal use.

(9) Where the tenancy is for a specified period agreed upon between the land-lord and the tenant, the land-lord shall not be entitled to apply to the Rent Control Court before the expiry of such period.

(10) The Rent Control Court shall, if it is satisfied that the claim of the land-lord under sub-section (3), (4), (7) or (8) is *bona fide*, make an order directing the tenant to put the land-lord in possession of the building on such date as may be specified by the Rent Control Court and if the Court is not so satisfied it shall make an order rejecting the application:

Provided that, in the case of an application under sub-section (8) the Rent Control Court shall reject the application if it is satisfied that the hardship which may be caused to the tenant by granting it will outweigh the advantage to the land-lord:

Provided further that the Rent Control Court may give the tenant a reasonable time for putting the land-lord in possession of the building and may extend such time so as not to exceed three months in the aggregate.

(11) Notwithstanding anything contained in sub-sections (1) to (10) no order for eviction or for putting the land-lord in possession shall be passed,

(i) against any tenant who is engaged in any employment or class of employment notified by the Government as an essential service for the purpose of this sub-section, unless the land-lord is himself engaged in any employment or class of employment which has been so notified and the land-lord requires the building for his own occupation; or

(ii) in respect of any building which has been let for use as an educational institution and is actually being used as such, provided that the institution has been recognised by the Government or any authority empowered by them in this behalf, so long as such recognition continues.

(12) Where a land-lord who has obtained possession of a building in pursuance of an order under sub-section (3) does not himself occupy it within one month of the date of obtaining possession, or having so occupied it, vacates it without reasonable cause within six months of such date, the tenant who has been evicted may apply to the Rent Control Court for an order directing that he shall be restored to possession of the building and the Court shall make an order accordingly notwithstanding anything contained in section 4.

(13) Where a tenant who is entitled to apply for possession under subsection (12) fails to do so within one month from the date on which the right to make the application accrued to him, the Government or the Officer referred to in sub-section (1) of Section 4, shall have power, if the building is required for any of the purposes, or for occupation by any of the officers or persons specified in subsection (3) of that section to give intimation to the land-lord that the building is so required, and thereupon the provisions of sub-sections (5) and (8) of Section 4 shall apply to the building:

Provided that this sub-section shall not apply to a building the monthy rent of which does not exceed fifteen rupees.

(14) Where the Rent Control Court is satisfied that any application made by a land-lord for the eviction of a tenant is frivolous or vexatious, the Rent Control Court may direct that compensation not exceeding fifty rupees be paid by such land-lord to the tenant.

(15) Where an application under sub-sections (2), (3), (4), (5), (7) or (8) for evicting a tenant has been rejected by the Rent Control Court, the tenancy shall, subject to the provisions of this Act, be deemed to continue on the same terms and conditions as before and shall not be terminable by the land-lord except on one or more of the grounds mentioned in the above said sub-sections.

(16) Notwithstanding anything contained in this section, no person who is receiving or is entitled to receive the rent of a building merely as an agent of the land-lord shall, except with the previous written consent of the land-lord, be entitled to apply for the eviction of a tenant.

12. *Payment or deposit of rent during the pendency of proceedings for eviction.*—(1) No tenant against whom an application for eviction has been made by a land-lord under Section 11, shall be entitled to contest the application before the Rent Control Court under that section, or to prefer any appeal under Section 18 against any order made by the Rent Control Court on the application, unless he has paid or pays to the land-lord, or deposits with the Rent Control Court or the appellate authority, as the case may be, all arrears of rent admitted by the tenant to be due in respect of the building up to the date of payment or deposit, and continues to pay or to deposit any rent which may subsequently become due in respect of the building, until the termination of the proceedings before the Rent Control Court or the appellate authority, as the case may be.

(2) The deposit of rent under sub-section (1) shall be made within the time and in the manner prescribed and shall be accompanied by the fee prescribed for the service of the notice referred to in sub-section (4).

(3) If any tenant fails to pay or to deposit the rent as aforesaid, the Rent Control Court or the appellate authority as the case may be, shall, unless the tenant shows sufficient cause to the contrary, stop all further proceedings and make an order directing the tenant to put the land-lord in possession of the building.

(4) When any deposit is made under sub-section (1), the Rent Control Court or the appellate authority, as the case may be, shall cause notice of the deposit to be served on the land-lord in the prescribed manner, and the amount deposited may, subject to such conditions as may be prescribed, be withdrawn by the land-lord on application made by him to the Rent Control Court or the appellate authority in that behalf.

13. *Land-lord not to interfere with amenities enjoyed by the tenant.*—(1) No land-lord shall, without just or sufficient cause, cut off or withhold any of the amenities enjoyed by the tenant.

(2) A tenant in occupation of a building may, if the land-lord has contravened the provisions of this section, make an application to the Rent Control Court complaining of such contravention.

(3) If the tenant satisfies the Rent Control Court that the amenities were cut off or withheld with a view to compel him to vacate the building or to pay an enhanced rent, the Rent Control Court may pass an interim order, directing the land-lord to restore the amenities immediately, pending the enquiry referred to in sub-section (4).

Explanation:—An interim order may be passed under this sub-section without giving notice to the land-lord. Any interim order so passed may be modified or cancelled by final order and the Court may give effect to such modification or cancellation.

(4) If the Rent Control Court on inquiry finds that the tenant has been in enjoyment of the amenities and that they were cut off or withheld by the land-lord without just or

sufficient cause, it shall make an order directing the land-lord to restore such amenities and for the purpose of enforcement of such orders, the Rent Control Court may exercise all the powers of a civil court in executing a decree for injunction or for specific performance.

(5) The Rent Control Court may in its discretion direct that compensation not exceeding fifty rupees—

(a) be paid to the land-lord by the tenant, if the application under sub-section (2) was made frivolously or vexatiously;

(b) be paid to the tenant by the land-lord, if the land-lord had cut off or withheld the amenities frivolously or vexatiously.

14. *Execution of orders.*—Every order made under section 11 or section 13 and every order passed on appeal under section 18 or on revision under section 20 shall after the expiry of the time allowed therein, be executed—by the Munsiff or if there are more than one Munsiff, by the Principal Munsiff having original jurisdiction over the area in which the building is situated:

Provided that an order passed in execution under this section shall not be subject to an appeal but shall be subject to revision by the Court to which appeals ordinarily lie against the decisions of the said Munsiff.

15. *Decisions which have become final not to be re-opened.*—The Rent Control Court shall summarily reject any application under sub-section (2), (3), (4), (5), (7) or (8) of Section 11 which raises between the same parties or between parties under whom they or any of them claim substantially the same issues as have been finally decided or as purport to have been finally decided in a former proceeding under this Act or under the corresponding provisions of any law in force prior to the commencement of this Act or the corresponding provisions of any law repealed or superseded by such law.

16. *Orders of Rent Control Court to be pronounced in open Court.*—Every order passed by a Rent Control Court under this Act shall be pronounced in open Court on the day on which the case is finally heard, or on some future day of which due notice shall be given to the parties.

17. *Conversion of buildings and failure by land-lord to make necessary repairs.*—(1) No residential building shall be converted into a non-residential building or vice versa and no such building shall be divided into separate portions for letting on rent or for other purposes except with the permission in writing of the Accommodation Controller.

(2) Notwithstanding any law, custom, usage or contract to the contrary, the land-lord shall be bound to attend to the periodical maintenance and necessary repairs of the building.

If a land-lord fails to attend to such maintenance or repairs to the building within a reasonable time after notice is given by the tenant, it shall be competent for the Accommodation Controller to direct on application by the tenant that such maintenance and repairs may be attended to by the tenant and that the charges and cost thereof may be deducted with interest from the rent which is payable by him.

18. *Appeal.*—(1) (a) The Government may, by general or special order notified in the Gazette, confer on such officers and authorities not below the rank of a Subordinate Judge the powers of appellate authorities for the purposes of this Act in such areas or in such classes of cases as may be specified in the order.

(b) Any person aggrieved by an order passed by the Rent Control Court may, within fifteen days from the date of such order, prefer an appeal in writing to the appellate authority having jurisdiction.

In computing the fifteen days aforesaid, the time taken to obtain a certified copy of the order appealed against shall be excluded.

(2) The provisions of section 5 of the Indian Limitation Act, 1908 (IX of 1908) shall apply to all such appeals.

(3) On such appeal being preferred, the appellate authority may order stay of further proceedings in the matter pending decision on the appeal.

(4) The appellate authority shall send for the records of the case from the Rent Control Court and after giving the parties an opportunity of being heard and, if necessary, after making such further inquiry as it thinks fit either directly or through the Rent Control Court, shall decide the appeal.

Explanation:—The appellate authority may, while confirming the order of eviction passed by the Rent Control Court, grant an extension of time to the tenant for putting the landlord in possession of the building.

(5) The appellate authority shall have all the powers of the Rent Control Court including the fixing of arrears of rent.

(6) The decision of the appellate authority, and subject to such decision, an order of the Rent Control Court shall be final and shall not be liable to be called in question in any Court of law, except as provided in section 20.

19. *Costs.*—Subject to such conditions and limitations, if any, as may be prescribed, the costs of and incident to all proceedings before the Rent Control Court or the appellate authority referred to in section 18 shall be in the discretion of the Rent Control Court or the appellate authority which shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

Explanation:—The appellate authority may set aside or vary any order passed by the Rent Control Court in regard to the costs of and incident to the proceedings before it.

20. *Revision.*—(1) In cases where the appellate authority empowered under section 18 is a subordinate judge the District Court and in other cases the High Court, may, at any time, on the application of any aggrieved party, call for and examine the records relating to any order passed or proceedings taken under this Act by such authority for the purpose of satisfying itself as to the legality, regularity or propriety of such order or proceedings, and may pass such order in reference thereto as it thinks fit.

(2) The costs of and incident to all proceedings before the High Court or District Court under sub-section (1) shall be in its discretion.

21. *Order under the Act to be binding on sub-tenants.*—Any order for the eviction of a tenant passed under this Act shall be binding on all sub-tenants under such tenant, whether they were parties to the proceeding or not, provided that such order was not obtained by fraud or collusion. In cases where sub-letting is allowed under the original agreement of tenancy the sub-tenant should be made a party to the proceedings, if he had given notice of the sub-tenancy to the landlord.

22. *Proceedings by or against legal representatives.* — The provisions of Section 146 and Order XXII of the Code of Civil Procedure, 1908 (5 of 1908) shall, as far as possible, be applicable to the proceedings under this Act.

23. *Summons etc.*

Subject to such conditions and limitations as may be prescribed, the Accommodation Controller, the Rent Control Court and the appellate authority shall have the powers which are vested in a Court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit in respect of the following matters:—

(a) discovery and inspection;
(b) enforcing the attendance of witnesses, and requiring the deposits of their expenses;
(c) compelling the production of documents;
(d) examining witnesses on oath;
(e) granting adjournments;
(f) reception of evidence taken on affidavit; and
(g) issuing commission for the examination of witnesses and for local inspection.

and may summon and examine suo motu any person whose evidence appears to it to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (5 of 1898).

24. *Time within which proceedings have to be disposed of*:—The Rent Control Court shall, as far as may be practicable, pass final orders in any proceeding before it within three months from the date of appearance of the parties thereto.

25. *Exemptions*.—Notwithstanding anything contained in this Act, the Government may, by notification in the Gazette exempt any building or class of buildings from all or any of the provisions of this Act.

26. *Executive authorities of local bodies to furnish certified extracts from property tax assessment books*.—The executive authority of a municipal council or panchayat or the Revenue Officer of a Corporation shall, on application made in this behalf and on payment of such fee as may, from time to time, be fixed by the Government by notification in the Gazette, grant to the applicant a certified copy of the extract from the property tax assessment book of, the municipal council, or panchayat or Corporation as the case may be, showing the rental value of the building or buildings in respect of which application has been made, relating to the period specified in the application. Such certified copy shall be received as evidence of the facts stated therein, in proceedings under this Act.

27. *Land-lord and tenant to furnish particulars*.—Every landlord and every tenant of a building shall be bound to furnish to the Accommodation Controller, the Rent Control court or any person authorised by it in that behalf, such particulars in respect of the building as may be prescribed by rules made under this Act.

28. *Penalties*.—If any person contravenes any of the provisions of sub-sections (1), (2), (4), (5), and (6) of section 4, sub-section (1) (a) and (2) (a) of section 8, sub-section (1) of section 13, sub-section (1) of section 17 and section 26, he shall be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to two thousand rupees or with both.

29. *Power to make rules*.—(1) The Government may make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the procedure to be followed by Rent Control courts, Accommodation Controllers and appellate authorities in the performance of their functions under this Act;

(c) the manner in which notices and orders under this Act shall be given or served;

(d) setting aside *ex parte* orders passed under this Act ;

(e) applications for making legal representatives of deceased persons, parties to proceedings under this Act and the time within which such applications shall be preferred ;

(f) the order of priority in which building have to be allotted among the applicants ;

(3) In making a rule under this section, the Government may provide that a person who contravenes any of the provisions thereof shall be punishable with fine which may extend to two thousand rupees.

(4) All rules made under this section shall be published in the Gazette.

(5) All rules made under this Act shall be laid for not less than seven days before the Legislative Assembly as soon as possible after they are made and shall be subject to such modifications as the Legislative Assembly may make during the Session in which they are so laid.

30. *Continuance in force of existing proceedings, orders, etc.*—(1) All proceedings commenced or deemed to have been commenced and all actions taken or deemed to have been taken under the Travancore-Cochin Buildings (Lease and Rent Control) Order, 1950, or the Madras Buildings (Lease and Rent Control) Act, 1949, and pending at the commencement of this Act shall, so far as may be, deemed to have been commenced or taken under the corresponding provisions of this Act and be continued subject to the provisions of this Act.

(2) All orders passed or deemed or purporting to have been passed and all decisions given or deemed or purporting to have been given under the Travancore-Cochin Buildings (Lease and Rent Control) Order, 1950 or the Madras Buildings (Lease and Rent Control) Act, 1949, and in which fair rent has been fixed, shall continue in force until they are superseded or modified under this Act by the authority competent to do so.

31. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule, order or direction made or issued thereunder.

(2) No suit or other legal proceeding shall lie against the Government, any officer or authority for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of the Act, any rule, order, or direction made or issued thereunder.

32. *Repeal.*—The Travancore-Cochin Buildings (Lease and Rent Control) Order, 1950, and the Madras Buildings (Lease and Rent Control) Act, 1949, as in force in the Malabar District referred to in sub-section (2) of Section 5 of the States Reorganisation Act, 1956 and Section 13 of the Travancore-Cochin Public Safety Measures Act, 1950 are hereby repealed.

SCHEDULE.

I. *Trivandrum District.*

1. Corporation of Trivandrum
2. Neyyattinkara Municipality
3. Attingal Municipality
4. Warkala Panchayat

II. *Quilon District.*

5. Quilon Municipality
6. Punalur Panchayat

III. *Alleppey District.*

7. Kayamkulam Municipality
8. Mavelikara Municipality
9. Alleppey Municipality
10. Thiruvalla Municipality
11. Shertallai Municipality

IV. *Kottayam District.*

12. Kottayam Municipality
13. Changanacherry Municipality
14. Vaikom Municipality
15. Palai Municipality
16. Mundakayam Panchayat
17. Urban areas of Munnar

V. *Ernakulam District.*

18. Ernakulam Municipality
19. Mattancherry Municipality including Palluruthy and Rameswaram Villages
20. Fort Cochin Municipality
21. Parur Municipality
22. Alwaye Municipality
23. Perumbavoor Municipality

VI. *Trichur District.*

24. Trichur Municipality
25. Irinjalakuda Municipality
26. Kunnamkulam Municipality

VII. *Kozhikode District.*

27. Kozhikode Municipality
28. Nilambur Panchayat
29. Manjeri Panchayat
30. Trikkandiyur Panchayat
31. Feroke Panchayat
32. Neduva Panchayat
33. Badagara Panchayat
34. Kummangode amsom (Nadapuram Panchayat)
35. Pantalayini village (Quilandy Panchayat)
36. Viyyur village (Quilandy Panchayat)
37. Melur village (Quilandy Panchayat)
38. Meladi village
39. Kottooli village, Parayancheri village
40. Nedumgottur village
41. Beypore Panchayat
42. Kidanginad village
43. Nulpuzha village
44. Nenmoni village
45. Muppainad village

VIII. *Cannanore District.*

46. Cannanore Municipality
47. Tellicherry Municipality
48. Azhikode amsom
49. Pappinisseri Panchayat
50. Puzhathi amsom
51. Chirakkal amsom
52. Cannanore contonment
53. Kuthuparamba amsom
54. Vemom amsom
55. Kasargod
56. Kannangad
57. Payyanur

IX. *Palghat District.*

58. Palghat Municipality
59. Chittur-Tattamangalam Municipality
60. Ottapalam Panchayat and
61. Ponnani Panchayat

V. KRISHNAMOORTHI,

Secretary, Legislative Assembly.